

Response to Comment Letter T3

Manzanita Band of the Kumeyaay Nation

- T3-1** The comment is an email forwarding the Draft EIR comment letter from the Manzanita Band. The comment does not raise an issue regarding the Draft EIR; therefore, no further response is required.
- T3-2** The comment provides background information regarding the Manzanita Band of the Kumeyaay Nation, also known as the Manzanita Band of Diegueño Mission Indians. The commenter also provides background information regarding the aboriginal territory of the Kumeyaay Nation. The commenter further states the Manzanita Band strives to protect known and unknown cultural resources within the aboriginal territory. In response, the County acknowledges the background information provided. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- T3-3** The commenter states on November 16, 2020, Councilman Johnny Eagle-Spirit Elliot requested by email (included as attachment to comment letter) additional information on the Proposed Project and that a follow up email was sent to the County by Lisa Haws on December 2. The commenter further states the County did not provide a target date for delivering the information; therefore, the comments provided in this comment letter and the attachment are preliminary and additional comments will be provided during Government-to-Government consultation. In response, since the same comments are provided as were on November 16, 2020, the formal responses are provided within this document and will be forwarded to the Manzanita Band. Government-to-Government consultation was initiated on January 31, 2019, for purposes of AB-52 and SB-18 consultation. Although the certified letter was dated January 31, 2019, the letter was mailed on February 5, 2019; therefore, the due date to request AB-52 consultation was March 14, 2019, and to request SB-18 consultation was May 6, 2019. The Manzanita Band requested formal consultation on May 3, 2019. The Manzanita Band missed the deadline (March 14, 2019) to request AB-52 consultation but did meet the deadline (May 6, 2019) to request SB-18 consultation. County staff requested meeting dates with the Manzanita Band on January 7, 2020, February 25, 2020, and on April 27, 2020. Emails were sent to Lisa Haws, THPO for the Manzanita Band, and Chairperson Angela Elliott-Santos. No responses were received by the County, and consultation was concluded on May 27, 2020 due to a lack of response. In addition, and as described in Chapter 1, Project Description, of the Draft EIR, the Proposed Project is no longer seeking to amend the County General Plan and is not proposing to adopt a specific plan. The Proposed Project is

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applying for a Major Use Permit pursuant to the County Zoning Ordinance. Accordingly, SB-18 consultation is not required. Although formal consultation is not required, County staff is available to respond to any requests for information and questions. The County looks forward to working with Manzanita should consultation be required as a result of an inadvertent discovery.

T3-4 The commenter states the Draft EIR does not provide adequate information for evaluation of direct, indirect, and cumulative impacts of the Proposed Project or Project alternatives. The commenter further states the Draft EIR does not identify sufficient ways to minimize impacts or describe alternatives as Government-to-Government consultation has not concluded, and that there is little analysis of Tribal Cultural Values, no evaluation of ethnobotanical and wildlife resources, and no evaluation of visual impacts to landscapes, sacred sites, or freedom of religion. In response, Government-to-Government consultation with the Manzanita Band was concluded on May 27, 2020, due to a lack of response. Please also refer to Response to Comment T3-3. Please refer to Sections 2.4, Cultural Resources, and 2.11, Tribal Cultural Resources, for an analysis of potential impacts to cultural and tribal cultural resources that may be caused by development of the Proposed Project. Although formal consultation is not required, County staff is available to respond to any requests for information and questions. The County looks forward to working with Manzanita should consultation be required as a result of an inadvertent discovery. This comment does not raise a specific issue regarding the adequacy of the Draft EIR; therefore, no further response is required

T3-5 The commenter states the Manzanita Band has previously expressed to the County the importance of early and meaningful consultation. In response, please refer to Response to Comment T3-3 regarding Government-to-Government consultation. The Manzanita Band (Lisa Haws, Chairperson Angela Elliott-Santos) have been and continue to be noticed of projects subject to AB-52 and SB-18 consultations, both by email and regular mail. Although formal consultation is not required, County staff is available to respond to any requests for information and questions. The County looks forward to working with Manzanita should consultation be required as a result of an inadvertent discovery. This comment does not raise a specific issue regarding the adequacy of analysis within the Draft EIR; therefore, no further response is required.

T3-6 The commenter states the Biological Resources impact and mitigation does not identify cultural or tribal values of animal resources, plant resources, or wildlife movement. The comment further states the Biological Resources impact and mitigation should include management plans specific to fauna and flora with cultural significance to the Kumeyaay Nations such as tamarisk. In response, Section 2.3 Biological Resources and the Biological Resources Technical Report, Appendix D, of

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the Draft EIR were prepared based on the State and County CEQA guidelines for biological resources. These guidelines do not include criteria for evaluation of the cultural significance of biological resources. Consideration and evaluation of the cultural or tribal values of animals, plants and wildlife movement would generally be discussed during Government-to Government consultation. However, consultation with the Manzanita Band was concluded on May 27, 2020 due to a lack of response. Please also refer to Response to Comment T3-3. The commenter identifies tamarisk as a plant with important value to the Kumeyaay. As discussed in Section 2.3, Biological Resources, the Proposed Project will impact 1.1 acres of tamarisk scrub, which will be mitigated at a 3:1 ratio pursuant to mitigation measure **M-BI-3**.

T3-7 The commenter states the biological open space easement that will be granted to the County does not address access for the Kumeyaay Nation to perform culturally appropriate management and monitoring for the purposes of traditional practices or species and habitat conservation. In response, mitigation measure **M-BI-4** addresses the long-term management and preservation of biological resources within the open space easement. A Draft Resource Management Plan (RMP) has been prepared and is included as an Appendix to the Biological Resources Technical Report (Appendix D to the EIR), which describes the management and monitoring of known cultural resources within the open space easement. To date, no information has been provided by any of the consulting tribes regarding appropriate management and monitoring for the purposes of traditional practices or species and habitat conservation. Government-to-Government consultation has been concluded. Please refer to Response to Comment T3-3.

T3-8 The commenter states the Project Biologist shall include a qualified Kumeyaay representative during all environmental monitoring duties before, during, and after construction. The commenter further states the contract provided to the County shall include the cost of a Kumeyaay biological monitor in the Memorandum of Understanding (MOU) between the biological consulting company and the County. In response, mitigation measure **M-BI-1** requires that a County-approved biologist conduct biological monitoring during construction. Mitigation measures **M-CR-2** and **M-TCR-2** require the Proposed Project to retain a Kumeyaay Native American Monitor to attend preconstruction meetings and conduct monitoring during earth disturbing activities for the Proposed Project. Mitigation measure **M-BI-4** requires the preparation and implementation of a RMP for management of the on-site biological open space. The Draft RMP is included as an Appendix to the Biological Resources Report (Appendix D to the EIR) and requires the resource manager to have a cultural resource professional on staff or a memorandum of understanding with a cultural resources consultant.

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- T3-9** The commenter states the County should prioritize the open space habitat to be owned and managed by the Manzanita Band of the Kumeyaay Nation or the Kumeyaay Diegueño Land Conservancy (KDLC). The commenter further states if necessary, an open space easement may be dedicated to the County in perpetuity, unless the easement is conveyed to the Manzanita Band or KDLC. The commenter concludes by stating the Manzanita Band or KDLC will be the resource manager and the recipient of funding adequate to fund annual costs for implementation as a non-wasting endowment. In response, as discussed in Section 2.3 Biological Resources of the Draft EIR, impacts to biological resources will be mitigated in part by the dedication of a biological open space easement over up to 435 acres of sensitive vegetation communities and habitat for special-status species (mitigation measure **M-BI-3**). In order to provide for the long-term management of the biological open space, a Resource Management Plan (RMP) will be prepared and implemented (mitigation measure **M-BI-4**). A Draft RMP is included as an Appendix to the Biological Resources Report (Appendix D to the Draft EIR). As stated in **M-BI-4**, the open space easement will be dedicated to the County in perpetuity, unless conveyed to another public agency subject to approval by the Director of Planning & Development Services. A resource manager will also be selected and a funding mechanism to fund annual costs for basic stewardship shall also be approved by the County. The timing for dedication of the open space, selection of the resource manager, and funding mechanism shall occur prior to grading or clearing of the site. Further, please refer to Response to Comment T3-8 regarding cultural resources management of the onsite biological open space.
- T3-10** The commenter states the cultural and archaeological resources sections do not include sufficient safeguards to evaluate or protect critical Kumeyaay resources. The commenter further states to prevent inadvertent disturbance, the applicant shall retain a qualified Project Archaeologist with experience in San Diego and Imperial Counties, subject to the review and approval by the Manzanita Band and the County. Also, the commenter states qualified Kumeyaay Cultural monitors shall participate in all surveys, have access to project maps, and receive draft copies of any newly recorded sites. In response, mitigation measures **M-CR-2** and **M-TCR-2** require implementation of an Archaeological Program, which requires that both a County-approved archaeologist and a Kumeyaay Native American monitor be contracted, and that they attend preconstruction meetings, and be present onsite for monitoring of earth disturbing activities. The approval of the Project Archaeologist is under the jurisdiction of the County of San Diego. As such, approval by the Manzanita Band is not a requirement. Standard practice is that any information requested by the Kumeyaay Native American monitor is provided to them. Both the Project Archaeologist and the Kumeyaay Native American Monitor have the authority to

divert or temporarily halt ground disturbance operations in the event of an inadvertent discovery of a cultural resource. Kumeyaay Native American monitors have participated in all surveys. Justin Linton, Tushon Phoenix, Shuuluk Linton, and Daniel “Bobo” Linton of Red Tail Monitoring and Research, Inc. provided Kumeyaay Native American monitoring services during the Project surveys and site evaluations. In addition, during the ground-penetrating radar survey of the substation and switchyard, Frank Salazar III provided Kumeyaay Native American monitoring services. Furthermore, representatives from the Campo, Manzanita, and Viejas Bands were also present at the ground-penetrating radar survey.

T3-11 The commenter states that to mitigate for undiscovered and known archaeological or cultural resources, a Kumeyaay monitoring and potential data recovery program shall be developed and subject to review and approval by the Manzanita Band and the County. The commenter also lists what the program should include. In response, mitigation measures **M-CR-2** and **M-TCR-2** require an Archaeological Monitoring Program and **M-CR-3** requires a Cultural Resources Treatment Agreement and Preservation Plan (CRTAPP). The Archaeological Monitoring Program provides the requirements for monitoring activities prior to construction, during construction, prior to rough grade sign off and, prior to final grade sign off. The CRTAPP would be prepared in coordination with consulting tribes (Campo, Manzanita, and Viejas) and would include (1) parties entering into the agreement, (2) responsibilities of the property owner or their representative, Principal Investigator, archaeological monitors, Kumeyaay Native American monitors, and consulting tribes, (3) requirements of the archaeological monitoring program including unanticipated discoveries, (4) treatment of identified Native American cultural materials, (5) treatment of Native American human remains and associated grave goods, (6) temporary fencing requirements, (7) confidentiality of cultural information, (8) negotiation of disagreements should they arise during the implementation of the CRTAPP, and (8) regulations that apply to the Proposed Project. The timing for the preparation of the archaeological monitoring program will be prior to construction activities.

T3-12 The commenter states the Project Archeologist or Applicant shall provide a contract to the County with the cost of a Kumeyaay Monitors and clarify their roles in a Memorandum of Understanding between the archeological consulting company and the County. In response, mitigation measure **M-CR-2** requires the Proposed Project applicant to contract with a County approved archaeologist and requires the archaeologist to contract with a Kumeyaay monitor to conduct Native American monitoring for the Proposed Project. The Memorandum of Understanding is between the County-approved consultant, the applicant, and the County. Funding/payment for

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Kumeyaay Native American monitoring services is a private agreement between the monitoring Tribe/organization.

T3-13 The commenter states upon the discovery of human remains, no further disturbance shall occur in the area of the find until the Manzanita Band is notified and the County Coroner has made the necessary findings as to origin. The commenter further states should the remains need to be taken offsite for evaluation, the Manzanita Band shall be consulted on the type of evaluations necessary and the protocol for transportation. In response, mitigation measures **M-CR-2** and **M-TCR-3** provide requirements outlined in State law that must be followed. Should human remains be identified, the County Coroner and the PDS Staff Archaeologist will be contacted. No further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. Should the human remains need to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor. If determined by the County Coroner to be of Native American ancestry, the Most Likely Descendant (MLD) identified by the Native American Heritage Commission (NAHC) will be consulted with to determine the treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. Mitigation measures **M-CR-2** and **M-TCR-2** in the Final EIR have been revised to include notification and consultation with the Manzanita Band should human remains be identified.

T3-14 The commenter states the Cultural Resources Treatment Agreement and Preservation Plan shall be developed prior to the approval of any plan or issuance of any permit and prior to use of the premises in reliance on this permit. The commenter further states the plan shall be prepared by the Project Archeologist and the Kumayaay Native American Monitor in consultation with the Manzanita Band and the County. In response, as identified in mitigation measure **M-CR-3** and discussed in Response to Comment T3-13, the timing of the CRTAPP is prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit. Mitigation measure **M-CR-3** in the Final EIR has been revised to reflect that the plan would be prepared by the Project Archaeologist in coordination with consulting tribes and Kumeyaay Native American monitor(s).

T3-15 The commenter states the Tribal Cultural Resources section does not address concerns regarding proper Native American consultation and proper monitoring for tribal artifacts, cremation sites and human remains. The commenter further states these documents have not been fully shared with the Manzanita Band and do not minimally satisfy the purpose for which the California Environmental Quality Act (CEQA) was revised to include tribal cultural resources. In response, Section 2.11 Tribal Cultural Resources is based on the Cultural Resource Report (Appendix E to

the Draft EIR), the Sacred Lands Check and tribal outreach conducted by the cultural consultant, information provided by the Kumeyaay Native American monitors, and tribal consultation pursuant to AB-52. No information regarding tribal cultural resources was provided during AB-52 consultation. Please refer to Response to Comment T3-3 for the history of consultation efforts by the County with the Manzanita Band. There is the potential for the identification of previously unknown tribal cultural resources during Project construction and decommissioning activities. Section 2.11 identifies that impacts to tribal cultural resources during construction and decommissioning activities would be potentially significant (**Impact TCR-1**). The Proposed Project is required to implement mitigation measures (temporary fencing (**M-CR-1, M-TCR-1**), archaeological and tribal monitoring (**M-CR-2, M-TCR-2**), and the long term preservation of resources (**M-CR-3, M-TCR-3**)) that would reduce impacts to less than significant. The documents were not previously provided to the Manzanita Band because consultation had concluded due to lack of response, and a request for the documents was not made. The Draft EIR was circulated for public review in October 2020, and documents were specifically transmitted to the Manzanita Band in January 2021.

T3-16 The commenter states the assessment is premature as meaningful Government-to-Government consultation conducted by the County pursuant to AB 52 has yet to be completed with the Manzanita Band and other Bands of the Kumeyaay Nation. The commenter further states Government-to-Government consultation is not the responsibility of a consulting firm and rests with the lead CEQA agency; therefore, any statements that Native American Heritage Values are considered or evaluated or not impacted are baseless. In response, please refer to Response to Comment T3-3 regarding AB-52 consultation with the Manzanita Band. Consultation has been concluded due to a lack of response by the Manzanita Band. The County has been in consultation with other Kumeyaay tribes throughout Project processing. Information provided by the Native American Heritage Commission (NAHC) provides a starting point for both the consultant and lead agency as to the absence or presence of resources. In addition to information provided by the NAHC, the California Historical Resources Information System (CHRIS), the cultural evaluation (including Kumeyaay Native American monitors) of the Project site, tribal monitors information, and AB-52 tribal consultation is relied on to obtain information regarding cultural and tribal cultural resources. Although formal consultation is not required, County staff is available to respond to any requests for information and questions. The County looks forward to working with Manzanita should consultation be required as a result of an inadvertent discovery.

T3-17 The commenter states the consultant minimizes the Proposed Project's area of direct impact (ADI) by describing it as largely confined to the valley floor. The comment

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also states the Project will require a demolition permit for the existing dairy operation which will uncover cultural resources. The commenter further states that Ms. Carmen Lucas of the Kwaaymii Laguna Band of Mission Indians stated to the consultant, "...that Jacumba is a sacred area and that "not one inch" of the area does not have cultural significance." In response, the Proposed Project ADI is located within the valley floor. The commenter is correct in that a demolition permit will be required for the removal of the structures associated with dairy operations. The information provided by Carmen Lucas of the Kwaaymii Band has been considered and is included in the Cultural Resource Report (Appendix E to the Draft EIR). This comment does not raise a specific issue regarding the adequacy of analysis within the Draft EIR; therefore, no further response is required.

T3-18 The commenter states the cultural setting inaccurately describes the spans as the last 10,000 years for human occupation in southern California, while academic research has expanded far beyond this timeframe. The commenter also states the section recognizes human movements westward between the Colorado Desert and the Imperial Valley rather than the movement of the Kumeyaay from the ocean to the desert and north and south of the international boundary with Mexico. In response, the information provided is based on scientific evidence. During consultation, tribes are requested to provide any information they would like included in the Cultural Resources Report. To date, no information has been provided. The commenter does not identify what they believe to be the accurate information. The Cultural Resources Report (Appendix E) in the Final EIR has been revised to include the information regarding human movements from the ocean to the desert and north and south of the international boundary with Mexico.

T3-19 The commenter states the methodology used to evaluate the presence and significance of existing tribal cultural resources was conducted without the involvement of the Manzanita Band and did not include Kumeyaay Monitors. The commenter further states the sole use of archaeological site record and archival research, a Sacred Lands File search, intensive pedestrian field survey and evaluation are inadequate and premature because Native American consultation under AB 52 is not concluded. In response, Kumeyaay Native American monitors were a part of the cultural evaluation of the Project site. Please refer to Response to Comment T3-10 for a detailed discussion of monitors involved in the cultural evaluation. Also refer to Response to Comment T3-3 for a discussion of consultation with the Manzanita Band. AB-52 consultation was concluded due to a lack of response by the Manzanita Band. Although formal consultation is not required, County staff is available to respond to any requests for information and questions. The County looks forward to working with Manzanita should consultation be required as a result of an inadvertent discovery.

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- T3-20** The commenter states the information provided by Ms. Lucas to the consultant was not included in the evaluation, assessment, or mitigation measures. The commenter further states Ms. Lucas recommendation for use of forensic dogs be used to identify human remains was not included as a mitigation measure or even as a best management practice. In response, the information provided by Ms. Lucas was considered in the evaluation of cultural resources and is included in Section 2.6 and the Cultural Resources Report (Appendix E) of the Draft EIR. No human remains were identified during the evaluation of the Project site. The use of forensic dogs is not exact, and they do not always mark exactly where remains are located. Marking may be several meters away, which would not provide an accurate location causing in theory a Proposed Project design that could still impact human remains. Please refer to Response to Comment T3-15 for a discussion of the mitigation measures (**M-CR-2, M-CR-3, M-TCR-2, and M-TCR-3**) that reduce potential impacts to undiscovered cultural and tribal cultural resources to less than significant. Specifically, the archaeological monitoring program provides the opportunity to identify resources during ground-disturbing activities, and the CRTAPP provides measures for the treatment of identified resources. Ms. Lucas did not respond to the County’s outreach efforts for Government-to-Government consultation.
- T3-21** The commenter states the consultant erroneously states that operational activities are unlikely to disturb tribal cultural resources. The commenter further states that vehicle movement, pedestrian activities, wind, rain, and erosion are all part of operational activities and frequently disturb and reveal inadvertent discoveries. In response, during the operational phase, the Proposed Project would not have any full-time personnel on site but may include up to five people onsite during operations inspections, maintenance, and repair activities on an as-needed basis. Vehicular activity within the Project site would be limited to the internal access that would be constructed to a minimum improved width of 20- and 24-feet and would be designed and maintained to provide all-weather driving capabilities. As such, it is not expected that there would be impacts from vehicular activity during operation activities. In addition, the entire Project ADI would be fully graded. Therefore, the potential for impacts to cultural resources during the operational phase within the Project site is not anticipated.
- T3-22** The commenter states Archeological and Cultural Monitoring is a best management practice and not a mitigation measure. The commenter further states the evaluation of the significance of discovered resources and whether they constitute a TCR is performed by the Project Archaeologist and the Kumeyaay Monitor, but the determination if they constitute a TCR is by the Manzanita Band in consultation with the County Archaeologist. In response, CEQA Guidelines Section 15064.5(f) states that “...a lead agency should make provisions for historical or unique archaeological

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- resources accidentally discovered during construction.” In addition, County Guidelines for Determining Significance – Archaeological and Historic Resources identify mitigation measures that may be included in projects to reduce impacts (refer to Table 2 of the County Guidelines for Determining Significance). Grading monitoring (archaeological monitoring) is among recommended mitigation measures in the County Guidelines. Mitigation measure **M-TCR-2** requires archaeological and tribal monitoring during earth disturbing activities. The Final EIR has been revised to include language in mitigation measures **M-CR-2**, **M-CR-3**, **M-TCR-2**, and **M-TCR-3**, that should a potential TCR be identified, consultation with consulting tribes will be conducted for a final determination.
- T3-23** The commenter states these preliminary comments are provided on behalf of Ms. Angela Elliott Santos, Chairwoman, Manzanita Band of the Kumeyaay Nation. The commenter also states the Manzanita Band looks forward to working with the County and engaging in meaningful Government-to-Government consultation. The commenter also provides contact information. In response, please refer to Response to Comment T3-3 for a discussion of Government-to-Government consultation with the Manzanita Band.
- T3-24** The comment is the introduction of an email from Johnny Eagle-Spirit Elliot to the County regarding the Proposed Project. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- T3-25** The commenter states the Manzanita Tribe is one of the closest tribes to the Project area and has tribal members who can trace back directly to the Jacumba Valley. The commenter also states the Tribe demands Government to Government consultation immediately. The commenter further states the County’s process and protocols on consultation and protection of cultural resources are severely inadequate and do not actually address the spirit of state and federal laws and the working relationship and lack thereof with the Tribes of San Diego County. In response, please refer to Response to Comment T3-3 for a discussion of Government-to-Government consultation with the Manzanita Band. The County has consulted with the Manzanita Band in good faith and according to California law (AB-52). Although formal consultation is not required, County staff is available to respond to any requests for information and questions. The County looks forward to working with Manzanita should consultation be required as a result of an inadvertent discovery.
- T3-26** The commenter states Manzanita is preparing a comment letter regarding the Tribe’s concerns. In response, please refer to Responses to Comments T3-1 through T3-23

above. The comment does not raise specific issues regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.

T3-27 The commenter states he has been informed that there are surveys that will take place and asks what Tribes are sending Kumeyaay Monitors. The commenter also states all surveys should have Kumeyaay monitors that are endorsed by a Kumeyaay Tribe and that Kumeyaay monitors should be included in all ground disturbing activities before, during and for maintenance of the Project. The commenter further states there is a very high probability for subsurface discoveries. In response, please refer to Response to Comment T3-10 for the discussion of Kumeyaay Native American monitors that have been involved in the cultural evaluation of the Project site. Mitigation Measure **M-CR-2** requires that the Proposed Project implement an Archaeological Monitoring Program for earth-disturbing activities during construction. Please refer to Response to Comment T3-21 for the discussion related to operational activities. Archaeological monitoring will not be required for operational activities.

T3-28 The commenter states there are two sacred mountains within the area shown on the Project map, which will have to be taken out of the area of impact at least 1,000 feet from the base of these sacred places. The commenter also states it is well known to the County that the Jacumba Valley has so much buried cultural resources that even water lines cannot be dug or maintained without disturbing and destroying these resources, and that the Tribe will not accept the destruction of these areas. In response, the archaeological consultant is aware of two culturally significant mountains adjacent to the Project area, the locations of which will not be specified in this response for confidentiality purposes. The Proposed Project's area of direct impact is located more than 1,000 feet from one of these mountains. The other culturally significant mountain is located immediately adjacent to the Proposed Project area. Though within 1,000 feet of the base of the mountain, this portion of the Proposed Project area has been previously disturbed by agricultural and industrial activity. The Proposed Project will not further impact the mountain and all developments will be limited to the valley floor in these areas. Further, the archaeological consultant conducted archaeological surveys that included a Kumeyaay Tribal monitor of these areas and did not identify significant cultural resources (please refer to Chapter 4.1, Methods, and Chapter 5.1, Inventory Results, of Appendix E to the Draft EIR). Concerning the potential of impacting buried cultural resources, please refer to Response to Comment T3-15 for a discussion of the mitigation measures that reduce potential impacts to less than significant. Specifically, the archaeological monitoring program provides the opportunity to identify resources during ground-disturbing activities, and the CRTAPP provides measures for the treatment of identified resource.

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- T3-29** The commenter states Manzanita is requiring sincere and meaningful mitigation on this Project. In response, the mitigation provided in the Draft EIR is meaningful and would reduce cultural and tribal cultural resource impacts to less than significant in accordance with State and local regulations.
- T3-30** The commenter states the Manzanita Band requests copies of the confidential site records and any studies, preliminary or draft, immediately. In response, the Manzanita Band was provided with electronic files of the Cultural Resources Report including confidential appendices to the report in January 2021.